

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

**No. CV 13-0738 WJ/LAM
CR 09-2626 WJ**

NATHAN DON JACK,

Defendant/Movant.

ORDER GRANTING MOTION FOR DOCUMENTS

THIS MATTER is before the Court on Defendant/Movant's *Motion for Document Entries 12 and 106 in Case No. 1:09-cr-02626-WJ-1* (*Doc. 12*), filed August 23, 2013. The United States filed a response to the motion on August 29, 2013. [*Doc. 13*]. Having reviewed the motion, response, and record of the case, the Court **FINDS** that the motion is well-taken and should be **GRANTED**.

In his motion, Defendant/Movant asks for copies of two documents from his underlying criminal case -- Document 12 (Redacted Indictment) and Document 106 (Partial Transcript of Jury Trial on September 15, 2010). [*Doc. 12* at 1]. Defendant/Movant states that he was denied Document 106 because one of the clerks in the Clerk's Office told him that it was sealed. *Id.* at 2. Defendant/Movant states that he needs the document for his claims in his Section 2255 motion. *Id.* In response, counsel for the United States states that he has looked at the docket sheet for Case No. CR-09-2626 WJ and has found no sealed documents in the case, and that the United States does not object to the release of those documents to Defendant/Movant. [*Doc. 13*]. The Court has looked

at the docket in the underlying criminal case, as well, and neither of the requested documents is sealed.

IT IS THEREFORE ORDERED that Defendant/Movant's *Motion for Document Entries 12 and 106 in Case No. 1:09-cr-02626-WJ-1 (Doc. 12)* is **GRANTED** and the Clerk shall send copies of Documents 12 and 106 from Case No. CR-09-2626 WJ to Defendant/Movant at his address of record.

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE